REMARKS

Amendments

Claim 1 is cancelled. Claims 2-6 and claims 12-16 are converted into process claims and amended to depend from process claim 7, the sole independent claim. The amendments add no new features to the claims and thus do not require further search and/or consideration. Moreover, the amendments place the application in condition for allowance, or at the very least reduced the number of issues for appeal by rendering certain rejections moot. Entry of the amendments is respectfully requested.

Rejection under 35 USC 103 in view of Goldstone et al. and GB 860,918

Claims 1-14 are rejected as allegedly being obvious in view of Goldstone et al. (US 6,360,545) in combination with GB 860,918. This rejection is respectfully traversed.

Goldstone et al. disclose a containment enclosure for a cryogenic unit (e.g., an air separation unit). The containment enclosure comprises a chamber in which the cryogenic unit is located, a chamber wall having thermal insulation, and a sump for receiving liquid leaking from the cryogenic unit. The chamber wall is said to be impermeable to liquid leaking from the cryogenic unit. See column 2, lines 22-33.

The thermal insulation in the chamber wall disclosed by Goldstone et al. is made up of thermally insulating bricks. The bricks can be made of pre-compressed mineral fiber such as rock wool. They can also be made of foam glass. See column 2, lines 38-40 and column 5, lines 48-55. The thermally insulating bricks are used, rather than loose fill thermal insulation, to facilitate assembly of the enclosure and facilitate access to the cryogenic unit.

As shown in the Figures, the containment enclosure comprises an exterior frame 3 to which outer walls 4,5,6 are attached. The outer walls are made of, for example, carbon steel plates. Inside the enclosure and adjacent the outer walls are layers of insulating bricks 10,11. Between some layers of bricks, thin aluminum foil 13,14 can be provided. Finally, the walls are lined internally with impermeable panels 20,21, made of stainless steel or aluminum. The panels 20,21 are attached to the outer walls by a series of studs 22, that pass through the layers of bricks, and locking nuts 24.

While Goldstone et al. do disclose an enclosure for containing a cryogenic unit, the

process described for construction of the enclosure does not suggest applicants' claimed process. In the Goldstone et al. disclosure, a frame 3 is provided and then outer walls 4,5,6 are attached are attached to the frame. Such a process clearly does not suggest applicants' claimed invention.

For example, Goldstone et al. do not disclose or suggest a process for construction of an enclosure comprising forming each of the side walls of the enclosure from several panels that each have a frame provided with a sheet metal lining. Nor does the Goldstone et al. disclosure suggest positioning such panels, each formed from a frame and a sheet metal lining, and then finally connecting the panels to one another. Goldstone et al. also do not disclose a containment enclosure in which the walls thereof are each lined with a sheet metal jacket made up of several panels, in which, in the direction of the height of the enclosure, the joints of the panels all have essentially the same distance from one another.

GB '918 discloses a container or enclosure for housing a high or low temperature installation. The enclosure comprises a frame, made of framing members connected to one another, to which plates are attached. See, e.g., Figures 2 and 5. The formed frame is said to be a rigid entity independent of the plates. See page 1, lines 67-71.

Goldstone et al. and GB '918 both disclose conventional enclosures that incorporate a steel frame construction which is completely set up before the walls are formed from sheet metal. See also the attached copy of Figure 9.49 on page 491 of Hausen et al., "Tieftemperaturtechnik" (Cryogenic Technology) (1985) which shows a photograph of such a conventional enclosure.

Thus, the enclosure disclosed by GB '918 is similar to that of Goldstone et al. in that first a frame is provided and then plates are attached to the frame. The process described by GB '918 for construction of its enclosure does not suggest applicants' claimed process.

Neither GB '918 nor Goldstone et al. disclose or suggest a process for construction of an enclosure comprising forming each of the side walls of the enclosure from several panels that each have a frame provided with a sheet metal lining. Nor does GB '918 or Goldstone et al. suggest positioning such panels, each formed from a frame and a sheet metal lining, and then finally connecting the panels to one another. GB '918 and Goldstone et al. also do not disclose a containment enclosure in which the walls thereof are each lined with a sheet metal jacket made up of several panels, in which, in the direction of the height of the enclosure, the

joints of the panels all have essentially the same distance from one another.

In view of the above remarks, it is respectfully submitted that the disclosure of Goldstone et al., taken alone or in combination with the disclosure of GB '918, fails to render obvious applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 103 in view of Goldstone et al. and Scott

Claims 16-17 are rejected as allegedly being obvious in view of Goldstone et al. (US 6,360,545), GB 860,918, and Bardo et al. (US 5,236,625). This rejection is respectfully traversed.

Firstly, it is noted that this rejection is applied against claims 16 and 17. However, only claims 1-16 are pending in the instant application. Thus, it is assumed that this rejection is being applied against claims 15-16, rather than claims 16-17.

In the rejection, the disclosure of Bardo et al. is relied on for a teaching of using round diagonal braces. Specifically, the rejection refers to reference numerals 221 and 223 of Bardo et al. See Figs 23 and 24.

As shown if Fig. 23, a diagonal suspension support 221 extends from a bracket 227 to a connection with wall panel 60. Suspension support 221 can be a steel rod or a prestressed cable. In Figure 24, a diagonal suspension support 223 extends from bracket 243 to a connection with bracket 249. Suspension support 223 can also be a steel rod or a prestressed cable. See column 12, lines 18-37

The disclosure of Bardo et al. is directed to a structural assembly that is adapted for use as a cooling tower. See column 1, lines 62-68. The rejection presents no rationale as to why one skilled in the cryogenic art would look to such a structural assembly for purposes of modifying an enclosure for containing a cryogenic unit, such as disclosed by Goldstone et al. Furthermore, particularly in light of the insulation bricks used in the walls of the enclosure of Goldstone et al., there is no need to employ diagonal suspension supports to improve rigidity in the Goldstone et al. enclosure.

In any event, the disclosure of Bardo et al. does not overcome the deficiencies discussed above in the combined disclosures of Goldstone et al. and GB '918.

In view of the above remarks, it is respectfully submitted that the disclosure of Goldstone et al., taken alone or in combination with the disclosure of GB '918 and/or Bardo

et al., fails to render obvious applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 103 in view of Goldstone et al. and Scott

Claims 1-5 are rejected as allegedly being obvious in view of Goldstone et al. (US 6,360,545) in combination with Scott (US 2,181,074). This rejection is respectfully traversed.

As noted above, all of the pending claims depend from process claim 7. Since this rejection is not applied against claim 7, the above amendments render the instant rejection moot. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 103 in view of Goldstone et al. and Sharma et al.

Claims 1-5 are rejected as allegedly being obvious in view of Goldstone et al. (US 6,360,545) in combination with Sharma et al. (US 5,548,933). This rejection is respectfully traversed.

As noted above, all of the pending claims depend from process claim 7. Since this rejection is not applied against claim 7, the above amendments render the instant rejection moot. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC 103 in view of Goldstone et al. and Voegeli et al.

Claims 1-5, 7-10, and 12 are rejected as allegedly being obvious in view of Goldstone et al. (US 6,360,545) in combination with Voegeli et al. (US 4,739,597). This rejection is respectfully traversed.

The disclosure of Goldstone et al. is discussed above. As noted, Goldstone et al. do not disclose or suggest a process for construction of an enclosure comprising forming each of the side walls of the enclosure from several panels that each have a frame provided with a sheet metal lining. Nor does the Goldstone et al. disclosure suggest positioning such panels, each formed from a frame and a sheet metal lining, and then finally connecting the panels to one another. Goldstone et al. also do not disclose a containment enclosure for containing a cryogenic unit wherein the walls of the enclosure are each lined with a sheet metal jacket made up of several panels, in which, in the direction of the height of the enclosure, the joints

of the panels all have essentially the same distance from one another.

The disclosure of Voegeli et al. is unrelated to containment enclosures for cryogenic units. Instead, the disclosure of Voegeli et al. pertains to an enclosure that can be easily assembled and disassembled and is suitable as a facility for painting and drying automobiles. See column 1, lines 29-44.

Thus, the disclosure of Voegeli et al. concerns buildings that can be moved or transported. A cryogenic plant such as disclosed by Goldstone et al. is normally not transportable. Buildings such as the type disclosed by Voegeli et al. do not face the demands that an enclosure for a cryogenic air separation plant has, e.g., to contain fine pulverized insulation material (such as perlite), to be gas tight, to resist cryogenic temperatures. Thus, one skilled in the art of cryogenic installations would not look to disclosures such as that of Voegeli et al. for purposes of constructing an enclosure for a cryogenics air separation plant.

As described at column 1, lines 42-64, the enclosure of Voegeli et al. has a pair of frames that are spaced apart in a longitudinal direction. Each frame includes a pair of upstanding portions and a connecting portion. The latter connects the upper ends of the upstanding portions. Each frame includes a receiver means, for example, in the form of channels. A plurality of wall panels is positioned longitudinally between the frames along the upright and connecting portions. Each wall panel has a first longitudinal end that mates with the channel of one frame and an opposite second longitudinal end that mates with the channel of the other frame.

However, Voegeli et al. do not disclose or suggest a process for construction of an enclosure comprising forming each of the side walls of the enclosure from several panels that each have a frame provided with a sheet metal lining. Nor does the Voegeli et al. disclosure suggest positioning such panels, each formed from a frame and a sheet metal lining, and then finally connecting the panels to one another.

It is respectfully submitted that one of ordinary skill in the art would not look to the enclosure of Voegeli et al. to modify a containment enclosure for housing a cryogenic unit such as described by Goldstone et al. Voegeli et al. provides no suggestion as to how one should insulate and isolate a cryogenic system, which is the concern of the Goldstone et al. disclosure. Furthermore, the combination of the Voegeli et al. and Goldstone et al. disclosures provides no suggestion of applicants ' claimed process.

In view of the above remarks, it is respectfully submitted that Goldstone et al., taken alone or in combination with the disclosure of Voegeli et al., fails to render obvious applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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